

Application No. 10/743,920
Amendment Dated July 27, 2005
Reply to Office Action of April 28, 2005

REMARKS/ARGUMENTS

By this Amendment, claims 1 and 24 are amended. Claims 1-24 are pending.

Claim 24 is amended to correct an inadvertent error in dependency.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

PRIORITY:

The applicant acknowledges the Examiner's acknowledgment of the claim for foreign priority.

REJECTION UNDER 35 U.S.C. § 103(a):

The Examiner first rejected claims 1-3, 6, 8, 10, 15-21, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,584,737 (Luhtala) in view of U.S. Patent No. 5,813,891 (McNamee). The Examiner states that Luhtala teaches essentially all of the limitations of the present invention, and states that there is no specific teaching with regards to a pressure regulating device, a valve for controlling the pressure, an automatic immersion inflation system, and a pressure regulating device in each bag. However, the Examiner states that McNamee teaches a life saving device comprising an elongate tube provided with an automatic inflation device arranged to release gas to inflate the tube when immersed in water or manually triggered. The Examiner goes on to state that the life saving aid is further provided with an oral inflation tube incorporating a non-return valve which is manually releasable to allow gas to escape from the tube (pressure regulating means). The Examiner states that it would have been obvious to modify the safety device of Luhtala to include

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an automatic inflation system and valve. Based on the claims, as amended, this rejection is traversed for the following reasons.

First, claim 1 is amended to include a limitation that the penetration resistant armour must be located under the external surface of the vest, but over the inflatable flotation bladder.

The Examiner states that Luhtala teaches an anti-ballistic vest which is attached to the outside of the jacket. Specifically, in the Office Action, the Examiner states:

Another additional option is the inclusion of an anti-ballistic vest which can be attached to the outer surface of the jacket frame by snaps or any other suitable connection device.

However, the specification and drawings of Luhtala clearly teach that the anti-ballistic vest is located inside the jacket. For example, at col. 5, lines 39-42, Luhtala states:

FIG. 11 shows the separate anti-ballistic vest 47 which can be attached to the device 10 of FIG. 1 with snaps 45 and counterpart snaps 46 which are located in the device 10....

(emphasis added).

Additionally, as can be seen when viewing and comparing FIG. 11 and FIG. 1 of Luhtala, snaps 46 (see FIG. 1) are clearly shown on the inside of the jacket, therefore clearly showing that the vest must be connected to the inside of the jacket.

Claim 1 of the present application, as amended, includes the limitation that the penetration resistant armour must be located under the external surface of the vest, but over the inflatable flotation bladder. This is a critical feature of the present invention. This feature provides two

significant benefits. First, as is shown in the present specification at page 1, line 26 to page 2, line 2,

the [gas inflatable] bag is arranged for extending between the armor and the wearer's body when the garment is being worn and the garment is such as to minimize harm to the wearer by pressure on the wearer's body when the bag is inflated by limiting said pressure.

Second, as described at page 5, lines 9-11,

The bladder 110 is located between the body armour 106 and the internal surface of the vest, i.e., between the armour and the body of the wearer, so as to lessen the chance of weapon damage to the bladder.

These two benefits offer a very large advantage over the prior art. Therefore, it is clear that Luhtala, alone or in combination with any other prior art of record, does not teach or suggest the present invention, as claimed in claim 1. It is therefore respectfully requested that the Examiner withdraw the rejection to claim 1 and pass claim 1 to issuance. Since claims 2-3, 6, 8, 10, 15-21, 23 and 24 all depend directly or indirectly from claim 1, it is respectfully requested that the Examiner withdraw the rejection to these claims also.

Next, the Examiner rejected claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Luhtala in view of McNamee, as applied above, in further view of U.S. Patent No. 5,472,769 (Goerz et al.). The Examiner states that the combined teachings as described above do not teach the use of a metal mesh layer to provide anti-ballistic characteristics to the garment, but Goerz et al. teach the use of a metal mesh material inner layer to enhance the penetration resistance capability

Application No. 10/743,920
Amendment Dated July 27, 2005
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of a garment. The Examiner states that it would have been obvious to use a metal mesh layer in a garment to enhance the anti-ballistic (penetration resistance) characteristics of a garment.

For the reasons stated above, claim 1 is believed to be allowable. Since claims 11-13 also depend directly or indirectly from claim 1, it is respectfully requested that the Examiner withdraw the rejection to claims 11-13 and pass these claims to allowance.

REJECTION FOR OBVIOUSNESS-TYPE DOUBLE PATENTING:

The Examiner next rejected claims 1-10 and 15-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,681,399. A terminal disclaimer will follow shortly.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Application No. 10/743,920
Amendment Dated July 27, 2005
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Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

July 27, 2005

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

By: 

Gary A. Greene
Registration No. 38,897
Customer No. 03000
(215) 567-2010
Attorneys for Applicant